

# EXHIBIT A



Docket No. 06-003-JZ

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/564,774

Applicant: Joachim Zimmerman Art Unit: 3735

Filed: June 19, 2006 Examiner: Christine Hopkins

Lambert & Associates  
92 State Street  
Boston, MA 02109  
October 20, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF MR. JOACHIM ZIMMERMAN UNDER 37 C.F.R. 1.132**

This Declaration is appended to an Amendment in response to the Office Action issued July 8, 2008 by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the July 8, 2008 Office Action is due January 8, 2009. Applicant hereby requests a one-month extension of time for responding to the July 8, 2008 Office Action. The fee for a one-month extension is SIXTY FIVE DOLLARS (\$65.00), and a check for this amount is enclosed. With a one-month extension, a response to this Office Action is due November 8, 2008. Accordingly, this response is being timely filed.

I, Joachim Zimmerman, do hereby state and declare as follows:

1. I am the sole inventor of the subject matter described and claimed in the above-identified application.

2. I have reviewed the Office Action issued July 8, 2008 by the U.S. Patent and Trademark Office in connection with the above-identified application.

3. I have reviewed the rejection of pending claim 1 under 35 U.S.C. 101 of the above-identified application in the July 8, 2008 Office Action which alleges that this claim is unpatentable because the invention is inoperative and that a therapeutic benefit would not be induced upon a subject.

4. I have reviewed the rejection of pending claim 1 under 35 U.S.C. 102 of the above-identified application in the July 8, 2008 Office Action which alleges that this claim is unpatentable in view of Ansari, U.S. Pat. No. 3,805,777 (hereinafter referred to as "Ansari").

5. I have reviewed the cited prior art of Ansari.

6. I have been administering for use and selling the instant invention for the past several years, specifically for the treatment of unclear hypogastrium complaints, period pains, premenstrual syndromes and loss of libido.

7. My clients have experienced a wide range of therapeutic benefits from using the instant invention,

including but not limited to relief from their medical complaints.

8. Therefore, it is my professional opinion, after consulting with my attorney regarding the scope and definition of 35 USC §101, that the Examiner's rejection is incorrect, as evinced by the successful treatment of numerous patients.

9. None of the prior art references, specifically Ansari, anticipate the instant invention encompassed by the pending claims. The device disclosed by the prior art places the magnetic elements in a random orientation, without any respect to the type of magnetic field produced. Conversely, the instant invention includes definite and specific alignments to ensure one of two fields, either attractive or repulsive.

10. The novel design of the instant allows for individuals to relieve a variety of medical complaints through a non-invasive means that is not disclosed by any of the prior art references put forth by the Examiner.

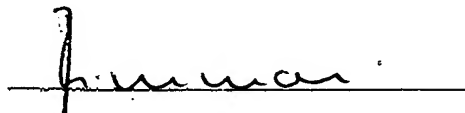
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Respectfully Submitted,

28. Okt. 2008

Date

A handwritten signature in dark ink, appearing to read 'Joachim Zimmerman', is written over a horizontal line.

Joachim Zimmerman